

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

)

**CASE NO. 8:05CR116**

)

**Plaintiffs,**

)

**v.**

)

**MEMORANDUM  
AND ORDER**

)

**CLINTON BROOKS,**

)

)

**Defendant.**

)

)

This matter is before the court sua sponte. Rule 7(a) of the *Rules Governing Section 2255 Proceedings for the United States District Courts* states that “[i]f the motion is not dismissed, the judge may direct the parties to expand the record by submitting additional materials relating to the motion.” The record may be expanded by letters predating the filing of the motion, documents, exhibits and affidavits. Rule 7(b) of the *Rules Governing Section 2255 Proceedings for the United States District Court*.

In order properly to address Defendant’s § 2255 motion, it is necessary to expand the record in this case. Accordingly, on or before April 10, 2007, the Defendant shall file with the court an affidavit signed under penalty of perjury pursuant to 28 U.S.C. § 1746 responding to each statement made in the Affidavit of David F. Eaton (Filing No. 224-2). Furthermore, pursuant to Rule 7(c) of the *Rules Governing Section 2255 Proceedings for the United States District Courts*, the government will be given time to admit or deny the correctness of the Defendant’s affidavit.

IT IS ORDERED:

1. On or before April 10, 2007, the Defendant shall file with the court an affidavit signed under penalty of perjury pursuant to 28 U.S.C. § 1746 responding to each statement made in the Affidavit of David F. Eaton (Filing No. 224-2);
2. On or before April 24, 2007, the United States may admit or deny the correctness of the Defendant's affidavit; and
3. The Clerk of Court is directed to send copies of the Affidavit of David F. Eaton (Filing No. 224-2) and this Memorandum and Order to the Defendant at his last known address.

DATED this 13<sup>th</sup> day of March, 2007.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge